

## REMARKS

### Claim Status

Claims 14-15, 18, and 29-31 remain pending and are presented for reconsideration.

### Examiner Interview Summary

Applicants thank Examiner Pak for the helpful discussions during the April 29<sup>th</sup> PTO interview. As summarized in Examiner Pak's interview summary, Applicants and Examiner reached agreement concerning the Section 103 rejections of record, particularly the Murphy reference, as well as the priority claim. Examiner Pak indicated that she would consider allowing the application to grant, following possible discussions with the Examiner(s) who examined related cases.

### Claim for Priority

As discussed during the Examiner Interview, and as confirmed in the Petition Decision mailed May 12, 2004, the present application properly claims priority to U.S. Application No. 09/448,755, filed November 24, 1999 (now abandoned). Accordingly, this objection is believed obviated.

### Rejections under 35 U.S.C. § 103(a)

Claims 14-15, 18, and 29-31 remain rejected over *Moloney et al.*, *Wieleles et al.*, *van Rooijen et al.*, and *Murphy et al.* Office Action, pages 4-12.

As discussed during the April interview, the present invention provides a method for preparing an emulsion formulation by (1) obtaining intact oil bodies; (2) washing the intact oil bodies before preparing an emulsion; and (3) formulating the washed oil body preparation comprising substantially intact oil bodies into an emulsion. No reasonable permutation of teachings from the cited references suggests an emulsion formulation according to the present invention. Thus, the cited references do not disclose each aspect of the present invention and, therefore do not establish a *prima facie* case of obviousness.

*Moloney et al.* fails not only to teach "emulsifying the fusion protein comprising a thioredoxin or thioredoxin reductase" but also fails to disclose formulating into an emulsion a

washed oil body preparation that comprises a “recombinant fusion polypeptide,” as recited in the instant claims.

Combining Moloney *et al.* with Wieles *et al.* does not cure the acknowledged deficiencies of Moloney *et al.* Like Moloney *et al.*, however, Wieles *et al.* fails to teach formulating a washed oil body preparation into an emulsion, as recited in the instant claims. Thus, no permutation of Wieles and Moloney could render the presently claimed invention obvious.

van Rooijen *et al.* also fails to teach “emulsifying the fusion protein comprising a thioredoxin or thioredoxin reductase” and does not suggest formulating into an emulsion a *washed* oil body preparation that comprises a recombinant fusion polypeptide, as recited in the instant claims.

As discussed during the interview, Murphy *et al.* discloses that oleosins have a central hydrophobic domain, but is otherwise of little relevance to the claimed invention. Again, Murphy *et al.* neither teaches nor suggests formulating into an emulsion a washed oil body preparation that comprises a recombinant fusion polypeptide, as claimed. Indeed no cited reference or combination thereof teaches or suggests this aspect of the claimed invention. Thus, the obviousness rejection is improper and should be withdrawn.

For at least these reasons, the §103 rejection is improper and should be withdrawn.

**CONCLUSION**

Applicant believes that the application is in condition for allowance, and an early notice to that effect is earnestly solicited. Should there be any questions regarding this submission, or should any issue remain, the Examiner is invited to contact the undersigned by telephone in order to advance prosecution.

Respectfully submitted,

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